

HEALTH FACILITY COMMITTEE MEETING

Cannon Health Building, Room 114

May 18, 2001, 9:00-12:00

Members Present: Kathleen Fitzgerald; Glade Bigler; Gayle Morawetz; Joyce Wanta; Leora Medina; Helen Rollins; Paul Clayton; and Travis Jackman.

Staff Present: Joel Hoffman; Pennie Knudson; Debra Wynkoop; Larry Naylor; Wendee Pippy; Donna Riley; and Joan Isom.

Members Excused: Lou Ann Jorgensen; Kathy Siskin; Timothy Thomas; and Steven Bateman.

The meeting was called to order at 9:05.

1. **Welcome :**
Dr. Paul Clayton, co-chair person consented to chair the meeting. Ms. Kathy Siskin, chairperson, was out of town. Mr. Gary Taylor, Utah Assisted Living Association presented Ms. Wynkoop with the Presidents award for cooperation between the Bureau and the Utah Assisted Living Association.
2. **Minutes of February 23, 2001.**
Dr. Clayton had two corrections in the Ambulatory Surgical Center Rules Section. He stated that on line two the word "law" should be replaced with "rule" and on line six it should read "Utah Association of Nurse Anesthetist" instead of Certified Nurse Anesthetist Association of Utah. Ms. Morawetz made a motion to approve the minutes as corrected. Mr. Bigler seconded the motion. The **MOTION PASSED** unanimously.
3. **Adverse Licensing Sanctions :**
Ms. Knudson reported the licensing sanctions from the Northern region. Mr. Hoffman reported on the sanctions from the central region and the southern region. (See attached)
Dr. Clayton questioned whether the Civil Money Penalties were set in statute? Ms. Wynkoop stated that the Civil Money Penalties were set in rule. Dr. Clayton questioned how the Bureau determines the monetary assessment imposed on the facility? Ms. Wynkoop stated that monetary fines imposed on

Medicaid/Medicare facilities are determined by Certification. When the Bureau assesses a fine we look at the gravity of the situation and the scope and severity of the incident.

4. **Old Business:**

A. Ambulatory Surgical Rule:

Dr. Clayton stated that a public hearing had been requested. The hearing was conducted on April 24, 2001. All issues were considered, however the Bureau has passed the rule without change to Rod Betit, Director of the Department of Health, for his decision.

B. End of Life Committee:

Ms. Helen Rollins stated that it had been decided that Mary Jane Chicarillo, Aging Services, would convene a sub-committee to review the information, forms, documents, and SB 178 and determine by July if the information needs to be revised or if they go forward with the proposed statute language. Her committee would also determine if the End of Life Portability form should be a part of that process. Those individuals representing seniors feel like that if the advanced directive form is changed, it may make it easier to kill seniors.

Ms. Rollins stated that this was not the intent of the End of Life Portability Form. The intent was to allow individuals to document their personal wishes. This document would ensure physicians and others would follow their wishes.

Mr. Val Bateman, Utah Medical Association, stated that many times the Advanced Directive/ DNR (Do Not Resuscitate Order) would not be followed, unless the document is present. Ms. Jackman questioned why these forms are not required by the facilities and that when the facility is surveyed, the Bureau should require these forms to be a part of the file. Ms. Wanta proposed that a concept summary be developed to require that an advanced directive be required at the time of the resident's admission to a long-term care facility. Ms. Morawetz seconded the motion. The **MOTION PASSED** unanimously.

Ms. Fitzgerald stated that patient files may no longer be accessible because, sometimes the files are locked up at night because of patient confidentiality so nurses are not able to ascertain if a patient has these forms in their file. Mr. Bateman stated that the Living Will is not followed unless there was a medical treatment plan to support it. Ms. Rollins said that the committee was looking at forms from other states where the information is more integrated. Mr. Bateman stated that education is needed. Ms. Morawetz stated that she attends the senior health clinics and that a booth should be set up explaining advanced directives and the form available to be filled out. Ms. Wynkoop stated that she would contact Community Family and Health Services to see if they have someone involved in focusing on the advanced directive forms.

C. Patient Safety Task Force:

Dr. Bruce Murray, Utah Hospital Association, explained the initiatives and the rules that the Patient Safety task force have been developing. The Department of Health rules, drafted by Lyle Odendahl in conjunction with this task force are R380-200-1 Patient Safety Sentinel Event Reporting Rule and R380-210 Facility Patient Safety Program. Dr. Murray explained that hospitals have 140,000 pages of regulations, that some hospital administrators are having a hard time accepting two more rules being added. The Health Facility Committee will be responsible for choosing which auditor will audit the facility if the rule passes.

D. Chronic Non-compliance Rule:

This rule was discussed in February and has been filed and will be open for comment period in the next two weeks. If the Bureau does not receive any adverse comments then the rule will become effective.

E. Change of Ownership Rule:

Mr. Lyle Odendahl, attorney, Department of Health, explained that this rule was initiated to clarify the information that determines a change of ownership in a facility and to determine what information the Bureau needs to identify the owner/operator/management of a facility. Information necessary to determine if there is a change of ownership are: 1) Does the facility have sufficient financial backing; 2) Are there changes in policies and procedures and; 3) Who are the entities associated with owning the building, and with the actual day-to-day operation of the facility.

Dr. Clayton questioned whether a change of ownership rule existed? Mr. Odendahl stated that a change of ownership rule did exist, but there is a lack of specific criteria to make these decisions.

Ms. Wynkoop stated that under Medicaid/Medicare a "Certificate" is given to the operator of the building. They are not concerned with who owns the building, just who operates the business. She explained that based on the statute we license the location of the business.

The draft of the Ownership rule will be brought to the next meeting for discussion.

F. Application:

Ms. Wynkoop explained the changes in the application. Ms. Fitzgerald made a motion to accept the changes on the application. Mr. Bigler seconded the motion. The **MOTION PASSED** unanimously.

4. Other Business:

- A. Ms. Wynkoop named the new appointees for the Health Facility Committee and stated the Senate could confirm them on May 23, 2001.

- B. Dr. Clayton proposed that Ms. Helen Rollins and Glade Bigler continue to represent the Health Facility Committee on the End of Life Committee.
- C. Dr. Clayton reported that the committee had received a letter from Lynn Robbins stating that she never received rules and then she was surveyed using the new rules. Dr. Clayton questioned the policy of the Bureau to inform facilities about rule changes. Ms. Pippy said that when rule changes are made it is the policy of the Bureau to send out the rule changes and then the facilities are given a specific amount of time to initiate those changes before they will be surveyed.
- Ms. Wynkoop explained that a summary of the Health Facility discussions, minutes and a summary of rule changes are included in the Health Newsletter. She discussed that some of the rules Ms. Robbins questioned, already existed in the old rules but had just been moved to a different section. Dr. Clayton requested that a letter be written to Ms. Robbins describing the rule making process. Ms. Wynkoop will draft a letter for Ms. Siskin's approval. A copy of the letter will be mailed to all members of the Health Facility Committee.

The Health Facility Committee Meeting adjourned at 10:40.

Kathy Siskin, Chair person

Debra Wynkoop, Executive Secretary